

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

RICHARD CHILD GARNER, JR.,

§

Petitioner,

§

VS.

§ CIVIL ACTION NO. C-07-270

NATHANIEL QUARTERMAN,

§

Respondent.

§

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION
TO GRANT RESPONDENT'S MOTION
TO DISMISS AS A SUCCESSIVE PETITION**

On November 13, 2007, United States Magistrate Judge Brian L. Owsley signed a Memorandum and Recommendation recommending that respondent's motion to dismiss (D.E. 20) be granted. On November 26, 2007, petitioner filed Objections to the Magistrate's Recommendations.

Having reviewed the findings of fact and conclusions of law therein, as well as the pleadings on file and petitioner's objections, and having made a *de novo* disposition of those portions of the Magistrate Judge's recommended disposition to which objections were raised, *see Koetting v. Thompson*, 995 F.2d 37 (5th Cir. 1993), 28 U.S.C. § 636(b)(1)(C); Fed.R.Civ.P.72(b), the Court hereby adopts as its own the findings and conclusions of the Magistrate Judge.

Accordingly, it is ORDERED that respondent's motion to dismiss is granted and petitioner's application for a writ of habeas corpus is dismissed.

The clerk shall enter this order and provide a copy to all parties.

SIGNED and ORDERED this 30th day of November, 2007.



Janis Graham Jack
United States District Judge